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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,882	08/01/2006	Noriaki Horii	2006_1162A	3689
52349 7590 06/23/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
ZIA, SYED				
ART UNIT		PAPER NUMBER		
2431				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,882

Applicant(s)

HORII ET AL.

Examiner

SYED ZIA

Art Unit

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to application filed on August 01, 2006. Claims 1-13 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Horii et al. (U.S. Pub. No.: 2007/0277243).
2. Regarding Claim 1 Horii teach and describe an information recording medium having a first recording area and a second recording area, wherein, the followings are recorded in the first recording area: first content information; first management information concerning handling of the first content information; and first copyright-related information for placing a copyright restriction on the first content information, and the followings are recorded in the second

recording area: second content information; and second management information including second copyright-related information for placing a copyright restriction on the second content information, the respective first content information and second content information are the same in contents but different in attributes, the second management information includes: link information indicating a relationship between the first content information and the second content information; and a copyright-compliant flag, and the copyright-compliant flag indicates whether or not the copyright restriction indicated by the second copyright-related information matches the copyright restriction indicated by the first copyright-related information of the first content information which is linked to the second content information by the link information ([Fig. 1, 9, and 0035, 0124-0132]).

3. Regarding Claim 12 Horii teach and describe an information processing apparatus for recording or playing back an information recording medium having a first recording area and a second recording area, wherein, the followings are recorded in the first recording area: first content information; first management information concerning handling of the first content information; and first copyright-related information for placing a copyright restriction on the first content information, and the followings are recorded in the second recording area: second content information; and second management information including second copyright-related information for placing a copyright restriction on the second content information, the respective first content information and second content information are the same in contents but different in attributes, the second management information includes: link information indicating a relationship between the first content information and the second content information; and a

copyright-compliant flag, and the copyright-compliant flag indicates whether or not (a) a copyright restriction indicated by the second copyright-related information matches (b) a copyright restriction indicated by the first copyright-related information of the first content information which is linked to the second content information by the link information, wherein said information processing apparatus comprises: a reading-out unit operable to read out information of the information recording medium; and an information processing unit operable to process the information read out by said reading-out unit, said information processing unit is operable to output the second content information according to first copyright-related information, in the case where the copyright-compliant flag indicates that (a) recording and playback restrictions indicated by the second copyright-related information match (b) recording and playback restrictions indicated by the first copyright-related information of the first content information which is linked to the second content information by the link information ([Fig.1, 9, and 0035, 0124-0132]).

4. Claims 2-11 and 13 are rejected applied as above rejecting Claims 1, and 12. Furthermore, Horii teach and describe a, wherein:

As per Claim 2, management information for managing the information recording medium is included in an inner peripheral portion of the recording medium, and the management information includes first position information indicating a storage position of the first management information and second position information indicating a storage position of the second management information ([Fig.1, 9, and 0035, 0124-0132]).

As per Claim 3, the second content information is compressed content information ([Fig.1, 9, and 0098-0102]).

As per Claim 4, the first content information is stored in a predetermined area in a data block having a predetermined byte length ([Fig.1 and 0083-0090]). .

As per Claim 5, in the case where a data size of the first content information is bigger than a size of a predetermined area in the data block, the first content information is stored throughout plural data blocks ([Fig.1 and 0083-0090]).

As per Claim 6, the data blocks include an area for storing first copyright-related information corresponding to the first content information ([Fig.1 and 0083-0090]).

As per Claim 7, the second management information is included in a management file for managing second content information of the second recording area, the following is stored in the management file: a name of a file which stores the second content information of the second recording medium; second copyright-related information of the second content information corresponding to the file name; and a copyright-compliant flag ([Fig.1, 9, and 0035, 0124-0132]).

As per Claim 8, the respective first content information and second content information are the same in contents but different in the number of channels ([Fig.1, 9, and 0035, 0124-0132]).

As per Claim 9, the respective first content information and second content information are the same in contents but different in sampling frequencies ([0022, and 0096-0098]).

As per Claim 10, content information is audio data ([00135, 0185]).

As per Claim 11, a copyright restriction on the first content information is a restriction on the available number of copy times of the first content information, and a copyright restriction on the second content information is a restriction on the available number of copy times of the second content information ([0114, 0116, and 0119-0121]).

As per Claim 13, the first copyright-related information and the second copyright-related information include information for restricting an available number of copy times of the respectively corresponding first content information and second content information, said information processing unit includes a copy unit operable to copy the read one of first content information and second content information, said information processing apparatus further comprises a memory unit operable to hold a copy count of the read one of first content information and second content information recorded in the information recording medium, the copy count in said memory unit is incremented by 1, each time one of the first content information and the second content information is copied by said copy unit, and copying of the first content information and the second content information is prohibited after the copy count recorded in said recording unit amounts to the available number of copy times indicated by the first copyright-related information ([Fig.1, 9, and 0035, 0124-0132, 0141-0146]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ
June 07, 2009
/Syed Zia/
Primary Examiner, Art Unit 2431